

tutional rule requiring bills to be read on three several days be suspended, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

FIFTY-SIXTH DAY.

Senate Chamber,
Austin, Texas,
April 6, 1933.

The Senate met at 5:48 o'clock p. m., pursuant to adjournment, and was called to order by Senator Woodruff.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodward.

Absent—Excused.

Woodul.

Prayer by Senator DeBerry.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Russek.

Recess.

Senator Russek moved to recess until 9:30 o'clock tomorrow morning.

Senator Moore moved to recess until 8 o'clock tonight.

The motion to recess until tomorrow morning prevailed by the following vote:

Yeas—18.

Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Holbrook.	Russek.
Hopkins.	Sanderford.
Martin.	Small.
Oneal.	Woodruff.
Parr.	Woodward.

Nays—11.

Duggan.	Neal.
Fellbaum.	Pace.
Greer.	Redditt.
Hornsby.	Regan.
Moore.	Stone.
Murphy.	

Absent.

Beck.

Absent—Excused.

Woodul.

At 5:52 o'clock p. m., the Senate recessed.

FIFTY-SIXTH DAY (Continued).

Senate Chamber,
Austin, Texas,
April 7, 1933.

The Senate met at 9:30 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Senator Excused.

Senator Holbrook was excused for the day on account of important business, on motion of Senator Blackert.

H. J. R. No. 2.

The Chair laid before the Senate on its second reading the following resolution:

By Mr. Moffett, et al.:

H. J. R. No. 2, Proposing an amendment to Section 26, of Article III, of the Constitution of Texas, by adding thereto Section 26(a), providing that no apportionment shall any county be entitled to more than six Representatives unless the population of such county shall exceed six hundred thousand people, etc."

Read second time and failed to pass to third reading by the following vote:

Yeas—14.

Blackert.	Oneal.
Collie.	Poage.
DeBerry.	Regan.
Duggan.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodward.

Nays—15.

Beck.	Parr.
Cousins.	Patton.
Fellbaum.	Purl.
Greer.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Russek.
Neal.	Sanderford.
Pace.	

Absent—Excused.

Holbrook.	Woodul.
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Senator Pace moved to reconsider the vote by which the resolution failed to pass to third reading.

Senator Sanderford moved to table the motion. The motion to table was lost by the following vote:

Yeas—7.

Hornsby.	Rawlings.
Parr.	Russek.
Patton.	Sanderford.
Purl.	

Nays—18.

Beck.	Murphy.
Blackert.	Neal.
Collie.	Oneal.
Cousins.	Pace.
DeBerry.	Poage.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Stone.
Moore.	Woodruff.

Absent.

Hopkins.	Small.
Martin.	

Absent—Excused.

Holbrook.

(Pair Recorded.)

Senator Woodward (present) who would vote nay, with Senator Woodul (absent) who would vote yea.

The motion to reconsider prevailed.

The resolution was passed to third reading by the following vote:

Yeas—15.

Beck.	Moore.
Blackert.	Murphy.
Collie.	Oneal.
DeBerry.	Pace.
Duggan.	Poage.

Redditt.
Regan.
Small.

Stone.
Woodruff.

Nays—11.

Cousins.	Patton.
Fellbaum.	Purl.
Greer.	Rawlings.
Hornsby.	Russek.
Neal.	Sanderford.
Parr.	

Absent.

Hopkins.	Martin.
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Absent—Excused.

Holbrook.

(Pair Recorded.)

Senator Woodward (present) who would vote yea, with Senator Woodul (absent) who would vote nay.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, April 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 52, A bill to be entitled "An Act providing a method of securing service of process over foreign corporations engaged in or desiring to do business in the State of Texas, amending Article 1529 of the Revised Civil Statutes of the State of Texas relating to the rights of foreign corporations to secure permits to do business in Texas, and repealing laws in conflict herewith, containing a saving clause, and declaring an emergency."

S. B. No. 57, A bill to be entitled "An Act to amend Article 1839, Chapter 3, Title 39, of the Revised Civil Statutes as amended by the Acts of the Regular Session of the Forty-second Legislature of the State of Texas, so as to fix the time for filing the transcript in the Court of Civil Appeals and providing for an extension of such time for cause shown and declaring an emergency."

(With amendments.)

S. B. No. 78, A bill to be entitled "An Act to amend Section 13, Chapter 277, page 480, Acts of the Forty-second Legislature, Regular Session,

providing that before a permit or certificate of public convenience and necessity may be issued to any motor carrier, or before any motor carrier may lawfully operate under such permit or certificate, such motor carrier shall file with the Commission bonds and insurance policies issued by companies authorized by law to transact business in Texas, in an amount to be fixed by the Commission under such rules and regulations as it may prescribe; etc., and declaring an emergency."

S. B. No. 113, A bill to be entitled "An Act providing when, how and in what manner any water improvement district or water control and improvement district or conservation and reclamation district, now or hereafter organized and existing under the Constitution and laws of this State may refund any of its outstanding bonds or any of its valid outstanding notes, warrants or other obligations (other than bonds); and providing how, when and in what manner, and upon what conditions, bonds, or any part thereof, which any such district has heretofore authorized to be issued by submitting same to an election, and which bonds have been approved by the Attorney General of the State or validated by suit and registered by the Comptroller, but which bonds have not been sold by the district may be cancelled, impounded or new bonds issued in lieu of some, and prescribing the duties of the Comptroller of the State with reference thereto; and providing how, when and in what manner, and under what conditions any contract existing between any such district for contribution to the construction of any improvement by another such district, or by said district, or any contract with any other such district for the joint ownership, construction or operation of any irrigation works, reservoirs, levees, drainage systems or other plants, works or improvements, may be cancelled or amended; and providing how, when and in what manner, and under what conditions any such district may make, amend or cancel contracts with any other such districts for the sale or purchase of water, and providing how such contracts may be secured, and authorizing all, or any part, of such contracts, or all or any part of the securities securing

same, to be pledged for certain purposes; and providing how and in what manner such districts may fix and determine assessments pro rata per acre against irrigable land and providing for the classification of such irrigable land; and providing for notice, hearing and appeals regarding such classifications and assessments; and providing that any portion of any law now existing, in conflict with any provisions of this Act, shall be superseded by the provisions of this Act; and declaring an emergency."

(With amendments.)

S. B. No. 428, A bill to be entitled "An Act authorizing the board of trustees of independent school districts having a scholastic population of not less than 1800 and not more than 1900 according to the last State scholastic census, to borrow money from the Reconstruction Finance Corporation or from other sources, for the purpose of installing canning factories, and manual training departments; providing for charging of fees for the use of such equipment to make same self-liquidating, and providing for the issuance of securities based on such fees which may be supplemented by the local maintenance tax of such districts as a basis of credit for the purchase of such equipment as is named above; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Motion to Concur.

Senator Oneal moved to concur in the House amendments to S. B. No. 113. The motion prevailed by the following vote:

Yeas—29.

Beck.	Neal.
Blackert.	Oneal.
Collie.	Pace.
Cousins.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Murphy.	Small.

Stone. Woodward.
Woodruff.

Absent—Excused.

Holbrook. Woodul.

Senator Woodward moved to concur in the House amendment to S. B. No. 57. The motion prevailed by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Holbrook. Woodul.

On motion of Senator Collie, the vote by which the Senate concurred in the House amendment to S. B. No. 57 was reconsidered.

On motion of Senator Collie, the Senate voted not to concur and asked for the appointment of a Free Conference Committee.

The Chair appointed the following on the part of the Senate:

Woodward, Collie, Small, Fellbaum, Murphy.

Executive Session Set.

On motion of Senator Martin, the Senate voted to go into executive session this morning at 11:30 o'clock.

Free Conference Report.

Senator Parr sent up the following Free Conference Committee report:

Committee Room.

Austin, Texas, April 6, 1933.

Hon. Edgar E. Witt, President of the Senate, Austin, Texas.

Hon. Coke Stevenson, Speaker of the House of Representatives, Austin, Texas.

Sirs: We, your Conference Committee appointed to adjust the differences between the two Houses on

S. B. No. 248, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue of the State of Texas for the balance of the fiscal year ending August 31, 1933, and declaring an emergency."

Have had the same under consideration and beg to report back to the Senate that we have adjusted the differences, the House having receded from its amendment.

Respectfully submitted,

SMALL,
PACE,
PATTON,
PARR,
RUSSEK,

On the Part of the Senate.

BURNS,
DANIEL,
McCLAIN,
BUTLER,

On the Part of the House.

Read and adopted by the following vote:

Yeas—21.

Beck.	Pace.
Blackert.	Parr.
Cousins.	Patton.
Duggan.	Regan.
Fellbaum.	Russek.
Greer.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodward.
Neal.	

Nays—6.

Collie.	Oneal.
DeBerry.	Poage.
Murphy.	Purl.

Present—Not Voting.

Rawlings.

Absent.

Redditt.

Absent—Excused.

Holbrook. Woodul.

H. C. R. No. 34.

The Chair laid before the Senate: H. C. R. No. 34, Granting Inez and Estaban Gamoa permission to sue the Highway Department.

The resolution was read.

Senator Moore sent up the following amendment:

Amend H. C. R. No. 34 as follows:
By striking out all after the word
"concurring" in line 40 down to and
including the word "alternative" in
line 42.

MOORE.

Read and adopted.

The resolution was adopted.

Free Conference Report.

Senator Regan sent up the following Free Conference Committee report:

Committee Room,

Austin, Texas, March 21, 1933.

Hon. Edgar E. Witt, President of the
Senate, Capitol.

Hon. Coke Stevenson, Speaker of the
House, Capitol.

Sirs: We, your conferees, appointed to adjust the differences between the Senate and the House of Representatives on

H. B. No. 376, A bill to be entitled
"An Act creating the office of county
purchasing agent in certain counties;
fixing his term of office and
providing for the commissioners
court to adopt the system of rules
for said office; providing for the
removal of said officers and fixing
his salary; providing for assistants
and fixing their salary; providing
for a bond and fixing the amount
and prescribing the duties of the
purchasing agent; placing said agent
under the supervision of the purchasing
committee of the commissioners court;
providing for the manner of purchasing
by competitive bids, and making exceptions
thereto; providing for the payment
of claims on the contracts made by
the purchasing agent, and providing
for the records to be kept by said
agent of all equipment, tools, and
supplies owned by the county, and
for the filing of an annual report to
the county auditor, and empowering
the agent to apportion and adjust
all equipment and supplies between
the county employees or departments;
fixing the liability of the
purchasing agent under the prescribed
duties of his office and providing
for department heads to account
for all properties of said county
under the control of said department;
providing for the retirement of
obsolete equipment or tools and the
disposition of such under the supervision
of the commissioners court; prohibiting
county officers

of said county being financially interested directly or indirectly in any contract with said county except his own salary; fixing a penalty for violation therefor, and fixing the penalty for violation of any other provision of this Act; providing for all fines and penalties provided for in this Act and all other moneys collected by virtue of this Act to be paid into the General Fund; providing for the Judges of the Criminal District Courts to especially charge the grand jury on provisions of this Act, and providing for judicial cognizance without proof or pleading of the provisions of this Act; making this Act cumulative of all General Laws of the subjects embraced in this Act, if not in conflict herewith; and providing that if any part of this Act is unconstitutional, the remaining portions shall be valid; and repealing all laws or parts of laws in conflict with the terms and provisions of this Act; and declaring an emergency."

Beg to say that the differences have been adjusted and we recommend the adoption of the new bill herewith submitted.

COLLIE,
HORNSBY,
PACE,
REGAN,

On the Part of the Senate.

SHANNON,
PATTERSON,
DUVALL,
RENFRO,
MOORE,

On the Part of the House.

By Shannon.

H. B. No. 376.

A BILL

To Be Entitled

An Act creating the office of county purchasing agent in certain counties; fixing his term of office and providing for the commissioners court to adopt the system of rules for said office; providing for the removal of said officers and fixing his salary; providing for assistants and fixing their salary; providing for a bond and fixing the amount and prescribing the duties of the purchasing agent; placing said agent under the supervision of the purchasing committee of the commissioners court; providing for the manner of purchasing by competitive bids, and making exceptions thereto; providing for

the payment of claims on the contracts made by the purchasing agent, and providing for the records to be kept by said agent of all equipment, tools, and supplies owned by the county, and for the filing of an annual report to the county auditor, and empowering the agent to apportion and adjust all equipment and supplies between the county employees or departments; fixing the liability of the purchasing agent under the prescribed duties of his office and providing for department heads to account for all properties of said county under the control of said department; providing for the retirement of obsolete equipment or tools and the disposition of such under the supervision of the commissioners court; prohibiting county officers of said county being financially interested directly or indirectly in any contract with said county except his own salary; fixing a penalty for violation thereof, and fixing the penalty for violation of any other provision of this Act; providing for all fines and penalties provided for in this Act and all other moneys collected by virtue of this Act to be paid into the General Fund; providing for the Judges of the Criminal District Courts to especially charge the grand jury on provisions of this Act, and providing for judicial cognizance without proof or pleading of the provisions of this Act; making this Act cumulative of all General Laws of the subjects embraced in this Act, if not in conflict herewith; and providing that if any part of this Act is unconstitutional, the remaining portions shall be valid; and repealing all laws or parts of laws in conflict with the terms and provisions of this Act; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. In all counties of this State, having a population of more than one hundred sixty thousand (160,000) inhabitants and less than two hundred thirty thousand (230,000) inhabitants according to the last preceding Federal census, and wherein is situated an incorporated city having a population in excess of one hundred thousand (100,000) inhabitants, according to the last pre-

ceding Federal census, the district judges of said counties, shall appoint a suitable person who shall act as the county purchasing agent for such counties, who shall hold his office at the pleasure of the district judges of such counties or a majority thereof.

It shall be the duty of the commissioners court to record in the minute book of said court a system for purchasing of equipment, materials, tools, and supplies for the use of said counties; said meeting of the commissioners court shall be held on or before the 15th day of January each year and no purchases of any equipment, tools, materials or supplies shall be made prior to the adoption of said rules of such a system.

Sec. 2. The purchasing agent may be removed from office by a majority vote of the district judges of said counties provided such purchasing agent shall fail to properly discharge the duties of said office.

Sec. 3. The purchasing agent shall receive as compensation, from the second class road and bridge fund, a sum not to exceed three thousand dollars (\$3,000.00), and not less than twenty-four hundred dollars (\$2400.00) annually, such compensation to be fixed by the commissioners court, and shall devote his entire time to the performance of said duties and shall not receive, nor shall he directly or indirectly be the beneficiary of, any gifts, loans, donations, or compensation from any other source, in any manner whatsoever, connected or associated with any agency, producing, manufacturing or selling any equipment, tools, materials, or supplies of any kind or character whatsoever.

Sec. 4. The purchasing agent shall, before taking office, take the oath of office and make bond in the sum of ten thousand dollars (\$10,000.00), with a surety company authorized to do business in the State of Texas as surety, payable to the county judge or his successors in office, in trust for said counties, said bond to be approved by the commissioners court of said counties; conditioned that such purchasing agent will faithfully and honestly perform the duties of his office and in due time will account for monies and

other property that may come into his hands as such purchasing agent.

Sec. 5. The purchasing agent may employ, on the approval of district judges of said counties, one assistant at a salary not to exceed fifteen hundred dollars (\$1500.00) annually, the compensation of the purchasing agent and such assistant so appointed shall be fixed by said commissioners court of said counties not to exceed the maximum herein provided and said compensation shall be paid from the road and bridge fund of the counties.

Sec. 6. Said purchasing agent shall, under the direction of the purchasing committee of the commissioners court, and subject to the provisions of this Act, purchase all equipment, tools, materials and supplies, of any nature whatsoever, for and on behalf of said counties.

Sec. 6a. Purchase of one hundred dollars (\$100.00) or more shall not be made unless and until competitive bids have been solicited by and/or through advertisements in one or more local newspapers, or by posting a notice to prospective bidders, on a conspicuous bulletin board, especially for said purpose, located in the corridor at or near the main entrance to the courthouse; said advertisement or posting shall be done at least one week in advance, and if by posting, said posting shall be at least one week and continue for and through seven consecutive days, in advance of said purchase.

Notice to prospective bidders shall contain, a general description of the article or articles to be purchased, the quantity, the place, the date upon which and the time when the bids will be opened and read, and said notice shall contain instructions concerning where and from whom information may be obtained relative to specifications, etc. Prior to the issuance of "Notice to the Prospective Bidders" by advertising or posting the purchasing agent shall prepare for, and furnish to all prospective bidders, specifications, proposal sheets or bidding blanks, contract, and bond forms, in self-addressed envelope, addressed to the purchasing agent.

Specifications shall definitely and rigidly stipulate, and clearly describe the class and quality of the article

or articles to be purchased and shall fix the basis of payment.

The proposal or bidding blank prepared by the purchasing agent shall specify the conditions and terms upon which the prospective bidder will furnish the article or articles in compliance with the notice to prospective bidders and the specifications, and shall contain a general description of the article or articles, specify the unit, and quantity, and provide a blank space for the prospective bidder to insert the unit price bid, in figures and in words. The proposal shall require that all unit prices shall be submitted in ink, and shall provide that, any additions, changes, alterations, or the addition of special provisions to, or any erasures on the proposal, made by the bidder will disqualify such bidder and any of the foregoing shall automatically disqualify the bidder.

When the contract form shall specify the terms of agreement based on the specifications and the price bid on units in the proposal, the bond form shall provide for the true and faithful performance of the contract by the bidder. The contract and bond form may be omitted at the discretion of the commissioners court.

Sec. 6b. Purchase of less than one hundred dollars (\$100.00) shall not be made unless and until competitive prices have been solicited, received in sealed envelopes, tabulated and referred to the purchasing committee for approval, and such approval shall be stated in writing, save and except in the case of an extreme emergency when delay would occasion a loss in time or money to said counties, in which event the purchasing agent may, on his own initiative, make such emergency purchase, but shall so inform the commissioners court through the purchasing committee, in writing, stating the cause and necessity for such purchase. Providing however, that the authority herein vested in said purchasing agent shall not be construed to permit the separation of purchases into units to come within the provisions of this section to avoid the requirements and provisions of Section 6a.

Sec. 7. No claims for payment for equipment, tools, materials or supplies shall be paid from any

county funds unless such purchases have been contracted for by the purchasing agent; and it is hereby made his duty to see that no claim for such payment is approved or account paid unless and until the counties have received the quantity and quality of equipment, tools, materials or supplies lawfully contracted for.

Sec. 8. It shall be the duty of the purchasing agent to check and list all equipment, tools, materials and supplies owned by the counties and to prepare and keep an inventory of such articles. He shall prepare and file with the county auditor on the first day of March of each year a complete and itemized inventory of all such equipment, tools, materials, and supplies; said inventory shall contain a description and classification of each article, its location, original cost and present value.

Sec. 9. The purchasing agent shall be the custodian of all equipment, tools, materials, furniture, and supplies owned by said counties, and is hereby empowered to readjust, reappportion and distribute any and all articles aforementioned when and where such readjustment, reappportionment and distribution will obviate the purchase of additional equipment, tools, materials, furniture, and supplies, and when such readjustment, etc., will not impair the efficiency of any county employee or department. Provided, however, that this section shall not apply to the custody and control of machinery, equipment, trucks, cars, teams, wagons, harness, tools, supplies, materials, and other property that is now or may be hereafter used in connection with the maintenance, repairs, drainage or construction of the county roads of said counties.

Sec. 9a. The purchasing agent shall be held liable for all such equipment, tools, materials, furniture, and supplies of which he is the custodian under the terms of this Act, owned by said counties, and shall not issue same until properly requisitioned by the head of the department in which it is to be used and shall obtain a receipt therefor when so issued to any employee or department, and is hereby authorized to charge to and collect from, the one to whom the article was issued the value of any such article which may be missing, and which cannot be properly accounted for. The pur-

chasing agent shall charge to and collect from the department head, any unusual damage to the property of said counties not caused by usual or ordinary wear or use.

Sec. 9b. When any equipment or tools become unusable, either from wear or by becoming obsolete, the purchasing agent shall so inform the purchasing committee in writing and when instructed by the commissioners court shall dispose of such equipment or tools, in the manner prescribed by said court; when so disposed of, said agent shall prepare a retirement order which shall state in detail all the facts incident to such disposal, and said retirement order shall become a part of the records of the yearly inventory.

Sec. 10. It shall be unlawful for any member of said commissioners court, or for any officer or employee of said counties to be or become financially interested, directly or indirectly in any contract with said counties for the purchase or sale of any equipment, tools, materials, or supplies of any character, or in any transaction whatsoever in connection with any purchase for said counties, excepting only his own salary. If any such county commissioner, or such officer, or employee shall willfully violate any of the foregoing provisions of this section, he shall be deemed guilty of a malfeasance in office, and upon conviction thereof shall be punished by a fine of not less than Five Hundred Dollars (\$500.00), nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail of said counties for not more than one year, or by both such fine and imprisonment; and upon conviction, in addition to the penalty herein provided, the office of such officer shall automatically become vacant. If any member of said commissioners court, or any such officer, shall willfully violate any of the other provisions of this Act, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail of said counties for not more than six (6) months, or by both said fine and imprisonment.

Sec. 11. All fines for any and all violations of any of the provisions of this Act, and any and all monies which may be collected by or on be-

half of said counties, on, under or by virtue of any contract which may be executed under the provisions of this Act, shall be applied to the General Fund of said counties.

Sec. 12. The judge of the criminal district court of said counties shall, at each term of court, specially give this Act in charge of the grand jury of said counties.

Sec. 13. This Act is and shall be held and construed to be a public Act of which the courts shall take cognizance without proof thereof; and in any court proceedings wherein the provisions of this Act are drawn in question the necessity for pleading or proving the same is hereby dispensed with.

Sec. 14. The provisions of this Act are, and shall be held and construed to be cumulative of all General Laws of this State on the subjects treated of and embraced in this Act, when not in conflict herewith, but in case of such conflict, in whole or in part, this Act shall control as to said counties.

Sec. 15. If any section, subdivision, paragraph, sentence, clause or word of this Act be held to be unconstitutional, the remaining portions of same shall, nevertheless, be valid; and it is declared that such remaining portions should have been included in this Act as though the unconstitutional portions had been omitted.

Sec. 16. Any and all laws and parts of laws in conflict with any of the terms or provisions of this Act, shall be and the same are hereby repealed.

Sec. 17. The fact that many counties are now operating under a purchasing system that is not in all respects adequate to the needs of growing counties, and the importance of this measure to the people thereof, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be, and the same is, hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Read and adopted by the following vote:

Yeas—24.

Beck.	Duggan.
Blackert.	Fellbaum.
Collie.	Greer.
Cousins.	Hopkins.

Hornsby.	Purl.
Moore.	Redditt.
Murphy.	Regan.
Neal.	Russek.
Oneal.	Sanderford.
Pace.	Small.
Parr.	Stone.
Patton.	Woodruff.

Nays—2.

DeBerry.	Rawlings.
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Present—Not Voting.

Martin.

Absent.

Poage.	Woodward.
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Absent—Excused.

Holbrook.	Woodul.
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Message From the House.

Hall of the House of Representatives,
Austin, Texas, April 7, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses on Senate Bill No. 57. The following are conferees on the part of the House:

Hughes, Hankamer, Haag, McDougald, and Van Zandt.

The House has refused to concur in Senate amendments to House Bill No. 150 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Messrs. Morrison, Savage, McCullough, Pope, and Magee.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

H. C. R. No. 44.

The Chair laid before the Senate:
H. C. R. No. 44, Memorializing Congress to pass the Frazier Bill.

The resolution was read.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The resolution was lost.

House Bill No. 271.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Savage, Mr. Renfro, Mr. Jones of Shelby, and Mr. Ratliff:

H. B. No. 271, A bill to be entitled "An Act to provide that transferors for collection of negotiable instruments shall be preferred creditors of State banks, and/or State bank and trust companies, authorized to do business under the laws of the State of Texas in certain cases, and repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Purl, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 271 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Holbrook. Woodul.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Holbrook. Woodul.

H. C. R. No. 21.

Senator Murphy called up from the table:

H. C. R. No. 21, Relative to weighing and brake-testing equipment for the Highway Patrol.

On motion of Senator Rawlings, the resolution was laid on the table subject to call.

House Bill No. 28.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Alsup, et al.:

H. B. No. 28, A bill to be entitled "An Act to amend Article 4604 of the Revised Civil Statutes of 1925, as amended by the Acts of 1929, Forty-first Legislature, Chapter 114, so as to provide that persons who desire to marry shall procure from the county clerk a license directed to all persons authorized by law to celebrate the rites of matrimony, and that said license shall be sufficient to celebrate such marriage, etc., and declaring an emergency."

Read second time.

Senator Neal sent up the following amendment:

Amend H. B. No. 28 by striking out all of Section 3 and inserting in lieu thereof the following:

"Sec. 3. The fact that young people are leaving their homes and going into distant states in order to marry, and are lessening the sanctity of marriage ceremonies; and the further fact that marriage license fees are going into other states rather than remaining in the State of Texas where the contracting parties reside, create an emergency and an imperative public necessity which requires that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

NEAL.

The amendment was read.

Senator Neal withdrew the amendment and sent up the following amendment:

Amend H. B. No. 28 by inserting between the word "Act" and the word "creates" in line 1, Section 3—the following:

"and the impracticability of Ar-

title 4604, R. C. S. 1925, as amended and Articles 4604A, 4604B and 4604C."

NEAL.

The amendment was read and adopted.

Resolution Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

H. C. R. No. 58.

Executive Session.

At 11:30 o'clock a. m., the Chair announced that the hour for the executive session had arrived. The Chamber was cleared and the doors were locked.

After Executive Session.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

State Board of Pharmacy: Dan Allen, Houston, Harris County; Hon. E. E. Weaver, Fort Worth, Tarrant County.

Confirmed.

Bill Introduced.

By unanimous consent, the rule relating to the introduction of bills after the first 52 days of the session was suspended and consent was granted to introduce the following bill:

By Senator Poage:

S. B. No. 508, A bill to be entitled "An Act repealing Chapter 78, Acts of the Fortieth Legislature of the State of Texas, conferring jurisdiction of the county court at law of McLennan County on the county court of said county and the powers possessed by said court and the judge thereof on the county court and county judge, respectively, of McLennan County, transferring pending causes and making pending processes returnable to the county court of McLennan County, disposing of fees of office, fixing the salary of the county judge of McLennan County, and declaring an emergency."

Read and referred to Committee on Counties and County Boundaries.

Adjournment.

Senator Russek moved to adjourn until 10 o'clock Monday morning.

Senator Moore moved to recess until 2:30 o'clock p. m. today.

The motion to adjourn until Monday prevailed by the following vote:

Yeas—16.

Beck.	Rawlings.
Blackert.	Redditt.
Cousins.	Regan.
Fellbaum.	Russek.
Hopkins.	Sanderford.
Martin.	Small.
Parr.	Stone.
Patton.	Woodward.

Nays—12.

Collie.	Murphy.
DeBerry.	Oncal.
Duggan.	Pace.
Greer.	Poage.
Hornsby.	Purl.
Moore.	Woodruff.

Absent.

Neal.

Absent—Excused.

Holbrook. Woodul.

At 12:04 o'clock p. m., the Senate adjourned.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, April 7, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 96 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, April 7, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 408 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

FIFTY-SEVENTH DAY.

Senate Chamber,
Austin, Texas,
April 10, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Prayer by Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix)

Committee Reports.

(See Appendix)

Bills and Resolutions.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session, was suspended and consent was granted to introduce the following bills:

By Senator Fellbaum:

S. B. No. 509, A bill to be entitled "An Act amending subdivision 37 of Article 199 of the Revised Civil Statutes of the State of Texas, providing for changes in the times for terms of court in the thirty-seventh, forty-fifth, fifty-seventh and seventy-third judicial districts of Texas, providing for vacations for the judges thereof, providing necessary provisions with reference to processes,

writs and petit jurors made necessary by the changes made by this Act and validating and legalizing the same, providing that the terms of court in the ninety-fourth judicial district of Texas shall remain as now fixed by law until January 1, 1935, and declaring an emergency."

Read and referred to Committee on Judicial Districts.

By Senator Fellbaum:

S. B. No. 510, A bill to be entitled "An Act to amend Chapter 6 of Title 42 of the Revised Civil Statutes of the State of Texas, which said chapter relates to rules of practice and procedure in certain district courts, by changing the first of definitive paragraph of said chapter, said paragraph being the paragraph of Article 2092 which immediately precedes Section 1 of said Article 2092, so as to make said chapter and all of its terms applicable also to counties having four or more district courts and lying west of the 98th meridian of longitude in addition to counties to which said chapter and its terms are now applicable and declaring an emergency."

Read and referred to Committee on Judicial Districts.

By Senators Moore and Rawlings:

S. B. No. 511, A bill to be entitled "An Act to amend Article 7064, of the Revised Civil Statutes of the State of Texas, 1925, by adding thereto the following amendment, to-wit: Providing that mutual health and accident insurance companies be exempt from the provisions of this law; and declaring an emergency."

Read and referred to Committee on Insurance.

S. C. R. No. 40.

Senator Oneal sent up the following resolution:

Whereas, Prior to the year 1932 every State in the Union and the District of Columbia had imposed a tax upon gasoline with the rates running from two cents a gallon to seven cents a gallon for state purposes; and,

Whereas, In addition thereto the counties in some states and also cities have imposed additional taxes upon gasoline, making the gasoline tax for state and county purposes in some counties as high as nine cents a gallon; and,